

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: J. Tracy Weed et al.

Application No.: 09/752,809

Art Unit.: 3629

Filing Date: 12/27/2000

Examiner: Michael J. Fisher

For: "Manufacturing Integrated Circuits"

Mail Stop Appeal-Brief Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Date: October 2, 2007

**REPLY BRIEF TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.
2. **STATUS:** Applicant is other than a small entity.
3. **EXTENSION OF TERM:** The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
4. **FEE FOR CLAIMS:** The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	LARGE ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	69	Minus	71	= 0	x \$50 =	\$0
Indep.	3	Minus	5	= 0	x \$200 =	\$0
First Presentation of Multiple Dependent Claim					+ \$360 =	\$0
					Total Addit. Fee	\$0

**No additional fee for claims is required.**

5. **FEE DEFICIENCY:** If any additional extension and/or fee is required, please charge Deposit Account No. 50-0574 (Docket No. NTI-020).

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**SIGNATURE OF PRACTITIONER**

Jeanette S. Harms  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: J. Tracy Weed et al.

Assignee: Synopsys, Inc.

Title: MANUFACTURING INTEGRATED CIRCUITS

Serial No.: 09/752,809 File Date: 12/27/2000

Examiner: Michael J. Fisher Art Unit: 3629

Docket No.: NTI-020(721)

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**REPLY BRIEF**

This Reply Brief is in response to the Examiner's Answer  
dated August 23, 2007.

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### **ADDITIONAL ARGUMENTS**

The Examiner states in the Examiner's Answer that, "appellant has not argued the examiner's motivation to modify and/or read inherent limitations and as such, are not proper arguments". Appellant respectfully traverses this statement, as evidenced by Section B of the Appeal Brief.

Appellant notes that in a conventional subsidy, financial assistance is given to encourage the production or purchase of a good. Notably, this financial assistance does not have a payback mechanism to the facilitator. Dallmeyer describes such a conventional subsidy.

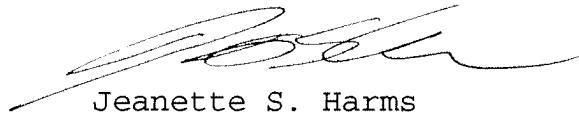
In contrast, the facilitator as described and claimed in this application does receive compensation for the subsidies based on one or more factors including a factor that reflects market success of integrated circuits produced using phase-shifted masks. Appellant submits that such compensation is non-obvious because this compensation is more than a predictable use of a conventional subsidy according to its established function. Therefore, this compensation is a patentable improvement over the conventional subsidy.

Appellants submit that the Examiner has used a hindsight bias to reject the claims. Appellants request reversal of this reliance on ex post reasoning.

**CONCLUSION**

For the foregoing additional reasons, it is further submitted that the Examiner's rejections of Claims 1-25 and 28-71 are erroneous, and reversal of these rejections is respectfully requested.

Respectfully submitted,



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